

FORTIETH DAY.

Senate Chamber,
Austin, Texas,
March 9, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russell.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace	

Absent—Excused.

DeBerry. Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Woodul:

S. B. No. 429, A bill to be entitled "An Act to provide and establish the two-platoon system for firemen in all cities of fifty thousand inhabitants or more in this State, according to the last preceding Federal census, and providing the number of hours such firemen shall be on duty; and providing a penalty for the violation of same, and declaring an emergency."

Read and referred to Committee on Labor.

By Senator Greer:

S. B. No. 430, A bill to be entitled "An Act to amend Article 6881, Title 120 of the Revised Statutes of Texas of 1925, so as to provide that each person elected to the office of constable shall give bond to be approved by the commissioners court for such sum as said court may direct not less than \$500.00 nor more than \$1500.00 payable to the Governor and his successors in office, conditioned that he will faithfully perform all the duties required by law and will well and truly execute and return according to law all process warrants and precepts to him lawfully directed and delivered and pay over all sums of money collected by him by virtue of any such process or precepts, to the persons to whom the same are due, or their lawful attorney, and providing that said constable shall also take the oath of office prescribed by the Constitution and that said oath, together with the certificate of the officer administering the same, shall be endorsed on said bond and that said bond and oath shall be recorded in the office of the county clerk and deposited in said office; and that said bond shall not be void on the first recovery, but may be sued on from time to time in the name of the party injured until the whole amount thereof is recovered. Said Act further provides that all constables of the State shall have thirty days from the taking effect of this Act to file said bond, and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Excused.

On motion of Senator Poage, Senator DeBerry was excused for the day on account of illness.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

S. C. R. No. 24.	S. B. No. 128.
H. B. No. 479.	S. B. No. 70.
H. B. No. 49.	S. B. No. 201.
S. B. No. 340.	S. B. No. 356.
S. B. No. 256.	

H. C. R. No. 13.

The Chair laid before the Senate:
H. C. R. No. 13, Granting the Central Supply House permission to sue the State.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

H. C. R. No. 15.

The Chair laid before the Senate:
H. C. R. No. 15, Granting Hugh E. Carr permission to sue the State.
The resolution was read.

On motion of Senator Small, the resolution was re-committed to the Committee on State Affairs.

H. C. R. No. 19.

The Chair laid before the Senate:
H. C. R. No. 19, Granting S. G. Burnett permission to sue the State.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

H. C. R. No. 25.

The Chair laid before the Senate:
H. C. R. No. 25, Granting Cage Brothers permission to sue the State.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

H. C. R. No. 26.

The Chair laid before the Senate:
H. C. R. No. 26, Granting Havermann & Miller permission to sue the State.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

H. C. R. No. 5.

The Chair laid before the Senate:
H. C. R. No. 5, Granting J. D. Davis permission to sue the State.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

House Bill No. 67.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 67, A bill to be entitled "An Act to provide cumulative and alternative manner in which certain water control and improvement districts may provide for the assessment and/or collection of district taxes, and to establish the compensation to be paid, and the manner of paying therefor, by such districts. Also providing that the compensation to be paid to a county tax assessor and/or a county tax collector, hereunder, shall be computable as fees of office in determining the maximum compensation to be paid to such officers. Also providing for the payment of compensation hereunder for the use of the county and not to the officers herein named, and in case the law may hereafter provide for the payment of salaries in lieu of fees of office, to such officers. Also providing that such officers, when serving a district hereunder, shall be deemed to be officers of the district. Further providing that the bonds to be given by a tax collector hereunder shall be payable to the district and that the premium therefor shall be paid by such district."

Read second time.

On motion of Senator Rawlings, the bill was laid on the table subject to call.

House Bill No. 376.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 376, A bill to be entitled "An Act creating the office of county purchasing agent in certain counties; fixing his term of office, and providing for the commissioners court to adopt the system of rules for said office; providing for the removal of said officer and fixing his salary; providing for assistants and fixing their salary; providing for a bond, and fixing the amount, and prescribing the duties of the purchasing agent; placing said agent under the supervision of the purchasing committee of the commissioners court, etc.; and repealing all laws or parts of laws in conflict with the terms and provisions of this Act; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The eight committee amendments were adopted.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 376 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

DeBerry. Neal.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—1.

Collie.

Absent—Excused.

DeBerry. Neal.

H. C. R. No. 16.

The Chair laid before the Senate: H. C. R. No. 16, Granting Mrs. Agatha Harris permission to sue the State.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

H. C. R. No. 39.

The Chair laid before the Senate: H. C. R. No. 39, Welcoming the Pan-American Medical Association to Texas.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was read and adopted.

House Bill No. 479.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 479, A bill to be entitled "An Act relating to the office of district attorney for the Eighteenth Judicial District of Texas, providing compensation and making an appropriation for the same; providing compensation and making an appropriation for the district attorney of the One Hundred and Nineteenth Judicial District of the State of Texas; providing compensation and making appropriation for the district attorney of the Thirty-fourth Judicial District of the State of Texas; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 479 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

DeBerry. Neal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
ONeal.	Woodward.
Pace.	

Absent—Excused.

DeBerry. Neal.

House Bill No. 211.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Good:

H. B. No. 211, A bill to be entitled "An Act amending Chapter 91, Acts First Called Session, Fortieth Legislature, as amended by Chapter 77, Acts First Called Session, Forty-first Legislature, as amended by Chapter 164, Acts Regular Session, Forty-second Legislature, and declaring an emergency."

Read second time.

On motion of Senator Poage, the bill was laid on the table subject to call.

House Bill No. 131.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Anderson of Bexar:

H. B. No. 131, A bill to be entitled "An Act to establish and create a criminal judicial district and a criminal district court for Bexar County; providing for the jurisdiction of and procedure in said court; fixing the time for holding the terms of said court; providing for the election, tenure of office, qualifications, duties, powers, and compensation of a judge of said court; etc."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

On motion of Senator Fellbaum, the bill was laid on the table subject to call.

House Bill No. 150.

Senator Poage called up from the table the following bill:

By Mr. Morrison, Mr. Chastain, Mr. Alexander, Mr. Hoskins, Mr. Hodges, Mr. Barrett, Mr. Hankamer, and Mr. Hicks:

H. B. No. 150, A bill to be entitled "An Act to amend Article 2218, Title 41, Chapter 9, of the Revised Civil Statutes, 1925, providing that in a foreclosure, if the property be real property, and if the proceeds of such sale be insufficient to satisfy the mortgage and other liens, then no judgment shall issue, as a deficiency judgment against any other property of the defendant to satisfy any balance thereof remaining unpaid; and declaring an emergency."

Read second time.

Senator Poage sent up the following amendments:

Amend H. B. No. 150, by striking out all before the enacting clause and by inserting in lieu thereof the following:

"An Act to amend Article 2218, Title 41, Chapter 9, of the Revised Civil Statutes of 1925, by providing that in cases of foreclosure of real property where the proceeds of the sale shall be insufficient to satisfy the judgment on the debt that the party obligated shall have the right to plead and prove the actual value of the property at the time and place of such sale and shall be entitled to a credit of any difference between the actual value and the sale price of such property."

POAGE.

Amend H. B. No. 150, by striking out all after the enacting clause and by inserting in lieu thereof the following:

Section 1. That Article 2218, Title 41, Chapter 9, Revised Civil Statutes, 1925, be and the same is hereby amended so as to hereafter read as follows:

Article 2218. Judgments for the foreclosure of mortgages and other liens shall be that the plaintiff recover his debt, damages and costs, with a foreclosure of the plaintiff's lien on the property subject thereto, and, except in judgments against executors, administrators and guar-

dians, that an order of sale shall issue to the sheriff or any constable of the county where such property may be, directing him to seize and sell the same as under execution, in satisfaction of the judgment; and, if the property cannot be found, or if the proceeds of such sale be insufficient to satisfy the judgment, then to make the money, or any balance thereof remaining unpaid, out of any other property of the defendant, as in case of ordinary executions; providing that if the property be real property and if the proceeds of such sale be insufficient to satisfy the judgment, and providing that if the mortgagee or lien holder has elected to foreclose his mortgage or lien to satisfy his debt, or if the property be real property, and if sold under deed of trust or other contract and the proceeds of such sale be insufficient to satisfy the debt, and the mortgagee or lien holder shall thereafter bring suit against the maker of the debt or any person who has assumed the payment thereof, or who is obligated thereon, or if a deficiency judgment exists after sale under execution or order of sale, the defendant or defendants in such suit may plead as a defense or partial defense to such suit or against such deficiency judgment that said property at such foreclosure was sold for less than its actual value at the time and place of such sale; and may by proper pleading and evidence show the actual value of such property at the time and place of such foreclosure sale; and if such actual value be shown to be more than the amount for which such property was sold at such foreclosure, the defendant or defendants shall be entitled to a credit upon such deficiency indebtedness of the difference between the amount of such foreclosure price and the actual value of such property at the time and place of such foreclosure sale."

Sec. 2. The fact that many honest, hard working and worthy city home owners and farm owners are being foreclosed in these hard, stringent and depressed times when their real estate is being bought in at foreclosure sales, in many instances, at unconscionably low prices by mortgage holders and lien holders who are securing deficiency judgments for the unpaid balance of the mortgage or lien held against these property holders, thereby harassing

and embarrassing honest, worthy people by hanging unwarranted judgments over their heads and further depressing their spirits when calamity overtook them through no fault of their own, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

POAGE.

Senator Woodward moved to recommit the bill to the Committee on Civil Jurisprudence.

The motion prevailed.

S. C. R. No. 26.

Senator Small sent up the following resolution:

Whereas, Income tax returns must be filed on or before March 15, 1933; and

Whereas, The members of the Legislature of the State of Texas have been engrossed in the consideration of emergency legislation which has required their undivided attention and prevented a number of the members of the Senate and House of Representatives from making their income tax returns; and

Whereas, In many instances, the personal files containing data necessary for filing a report are at the homes of the members and not available at this particular time; therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That requests be made of the Collector of Internal Revenue for a ninety-day extension of time for members of the Legislature to file their income tax returns, and be it further

Resolved, That a copy of this resolution be forwarded to the Collectors of Internal Revenue with the request that the Lieutenant Governor be advised whether or not such extension will be granted, and if granted, the steps necessary to be taken in order to obtain such extension.

SMALL.

The resolution was read.

The rule requiring resolutions to be referred before consideration was suspended by unanimous consent.

The resolution was adopted.

Motions to Re-commit.

On motion of Senator Moore, H. C. R. No. 27 was re-committed to the Committee on State Highways and Motor Traffic.

On motion of Senator Woodward, S. B. No. 411 was re-committed to the Committee on Civil Jurisprudence.

House Bill No. 131.

Senator Fellbaum called up from the table H. B. No. 131.

Senator Fellbaum sent up the following amendments:

Amend H. B. No. 131, page 8, by changing the words Six Thousand Five Hundred Dollars and the figures (\$6,500.00) wherever they appear in lines 4, 8 and 11 and inserting in lieu thereof the words "Five Thousand Dollars" and the figures \$5,000.00.

FELLBAUM.

Read and adopted.

Amend H. B. No. 131, by adding after the word "abolish" at the end of Section 11, page 6, of the bill, the following:

"from and after effective date hereof."

FELLBAUM.

Read and adopted.

On motion of Senator Fellbaum, the bill was laid on the table subject to call.

House Bill No. 49.

Senator Hornsby called up from the table the following bill:

By Mr. Alsup and Mr. Lemens.

H. B. No. 49, A bill to be entitled "An Act to repeal Sections 14, 15, 16, 17, 18, 19, 20, 24, and 25, of Chapter 26, Acts of the Regular Session of the Thirty-ninth Legislature of Texas, regulating the testing of automobile lights, and operation of motor vehicles, tractors, motorcycles, and bicycles in Texas, and declaring an emergency."

Read second time.

Senator Purl moved to lay the bill on the table subject to call.

Senator Hornsby moved to table the motion. The motion to table prevailed.

The bill was passed to third reading.

On motion of Senator Hornsby,

the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 49 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

DeBerry. Neal.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—2.

Beck. Stone.

Absent—Excused.

DeBerry. Neal.

Senate Simple Resolution No. 63.

Senator Greer sent up the following resolution:

Whereas, Upon the completion of the new Highway Building now under construction there will be available room for departments now occupying space adjacent to the Senate Chamber and

Whereas, There is great need for space where the individual members of the Senate of Texas could do

their work without outside interruption. Now therefore be it

Resolved, by the Senate of Texas, That the Lieutenant Governor be permitted and is hereby commissioned to appoint a committee of three members of the Senate who will investigate the possibilities for removing all of the departments of government from the east wing of the Capitol of the State of Texas and utilizing the space thereby vacated for the construction of individual, private offices for the thirty-one members of the State Senate of Texas.

GREER.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration, was suspended.

The resolution was adopted.

Senate Simple Resolution No. 43.

The Chair laid before the Senate: S. S. R. No. 43, Relating to the appointment of a committee to arrange for pictures of the Senate of the Forty-third Legislature.

The resolution was read.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

The Chair appointed the following on the part of the Senate:

Senators Duggan, Rawlings, Greer.

Senate Bill No. 248.

Senator Parr received unanimous consent to suspend the regular order of business, and take up out of its regular order S. B. No. 248.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 248, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the balance of the fiscal year ending August 31, 1933, and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 248 by striking out after the word "Dallas," line 19 down to and including \$4,000.00 in line 23.

PURL.

Executive Session.

The Chair announced that the hour for the executive session had arrived.

Senator Fellbaum moved to postpone the executive session until 12:30 o'clock p. m. The motion was lost.

The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, beg to report that we have had under consideration the appointment of Dr. J. B. Brady, dentist, of El Paso, Texas, as a member of the State Board of Health, to fill the unexpired term of Dr. Ralph A. Erickson, deceased, and we recommend that the said appointment be in all things confirmed.

SANDERFORD, Vice-Chairman.

Confirmed.

Senate Bill No. 374.

Senator Fellbaum received unanimous consent to suspend the regular order of business and take up the following bill:

By Senator Fellbaum:

S. B. No. 374, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts heretofore created by special acts of the Legislature, having the board of seven trustees and having included within their boundaries a city whose population was in excess of two hundred thousand as shown by the last preceding Federal census; adjusting the terms of office of trustees to conform to the provisions of this Act; providing for the election of trustees of such independent school districts; providing for the filling of all vacancies in the office of trustees of such districts; and declaring an emergency."

Read second time.

On motion of Senator Fellbaum, the bill was laid on the table subject to call.

Senate Bill No. 248.

The question recurred on the pending amendment to S. B. No. 248.

Free Conference Granted.

On motion of Senator Rawlings, the request of the House for free conference on H. B. No. 376 was granted.

Recess.

On motion of Senator Hornsby, the Senate, at 12:01 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

H. C. R. No. 19.

Senator Cousins received unanimous consent to amend H. C. R. No. 19 as follows:

Amend H. C. R. No. 19 by changing the time when suit may be filed from "two years" to read "six months."

COUSINS.

Read and adopted.

Messages From the House.

Hall of the House of Representatives.

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills, resolutions and memorial:

Memorial of the Legislature of Texas to Congress concerning the building of a storage reservoir upon the Rio Grande River.

H. C. R. No. 35, Relative to endorsing the appointment of L. A. Robinson of Galveston, Texas for the position of "Administrative Officer" of the Bureau of Investigation in the Department of Justice.

H. C. R. No. 36, Relative to granting permission to T. W. Tucker to sue the State for damages.

H. C. R. No. 38, Relative to granting permission to Interstate Contracting Company to sue the State for damages.

S. B. No. 70, A bill to be entitled "An Act making an appropriation to be paid out of the General

Revenue Fund of the State of Texas the sum of three thousand eight hundred and forty-three dollars (\$3,843), not otherwise appropriated, to cover taxes due by the State of Texas to the Sugarland Independent School District covering the years from 1928 to 1932, inclusive; and declaring an emergency."

S. B. No. 128, A bill to be entitled "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, relating to the administration of the affairs of a corporation; and declaring an emergency."

S. B. No. 201, A bill to be entitled "An Act to authorize Panhandle & Santa Fe Railway Company to purchase, own and operate the railroad of Clinton-Oklahoma-Western Railroad Company of Texas, with its franchises and appurtenances now and hereafter owned; and the railroad of Kansas City, Mexico & Orient Railway Company of Texas, with its franchises and appurtenances now and hereafter owned; and the railroad of North Plains & Santa Fe Railway Company, with its franchises and appurtenances now and hereafter owned; and until such purchase or purchases is or are made, to authorize lease by the Panhandle & Santa Fe Railway Company of the railroads and other properties of said other companies, or any of them, and declaring an emergency."

S. B. No. 256, A bill to be entitled "An Act making appropriation of \$6,967.74 to pay the salaries of district judges of the Special District Court of Smith and Upshur Counties and the Special District Court of Rusk and Gregg Counties, for the period from December 21, 1932, to August 31, 1933, and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act providing for an open season for doves in Smith and Wood Counties, and repealing the Acts of 1930, Forty-first Legislature, Fourth Called Session, page 29, Chapter 19, and all other laws or parts of laws in conflict herewith, insofar as they affect Smith and Wood Counties, Texas, and declaring an emergency."

H. B. No. 246, A bill to be entitled "An Act to amend Articles 1103, 1105, 1106, and 1110 of the Penal Code, and declaring an emergency."

(Relating to labeling of names on cars, trucks, etc., in which petroleum products are shipped.)

H. B. No. 338, A bill to be entitled "An Act to amend Article 955, Chapter 6, Title 13, of the Penal Code of the State of Texas, 1925, as amended by Acts of 1931, Forty-second Legislature, Second Called Session, page 20, Chapter 11, Section 1, prohibiting the sale of fish taken from fresh-water streams of certain named counties, and also providing means and methods of taking and possessing fish from fresh waters of said counties, and including Blanco County and Kendall County, and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act to amend Acts of 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, known as Senate Bill No. 8, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties, and prohibiting all other tackle; prohibiting possession of any tackle, not authorized by this Act, within two hundred yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande Rivers from the provisions of this Act; prohibiting the sale, offering for sale, or having in possession for the purpose of sale of certain species in said counties; providing a closed season for a period of time when it shall be unlawful to take fresh-water fish; making it unlawful to possess certain species of fish of less length than specified in this Act, and increasing the length of catfish to twelve inches; prescribing a penalty; repealing all laws and parts of laws in conflict with this Act, except the Special Laws, Forty-second Legislature, Regular Session, House Bill No. 610, Chapter 90, page 194; and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act designating fur-bearing animals, declaring them the property of the State, declaring a five-year closed season on wild fox in Robertson County; and providing a penalty for violation of this Act."

H. B. No. 411, A bill to be entitled "An Act amending Article 322 of the 1925 Revised Civil Statutes of Texas, same being Acts of 1927, Fortieth Legislature, page 222, Chapter 151, by omitting the word 'fortieth' which same is the Fortieth Judicial Dis-

trict of Ellis County, Texas, and declaring an emergency."

H. B. No. 413, A bill to be entitled "An Act providing for the government of water improvement districts organized or hereafter organized in accordance with the provisions of Chapter 247, Acts of the Fortieth Legislature, and governed by the provisions of Chapter 2, Title 128, Revised Civil Statutes and amendments thereto, and which include within their area or boundaries parts of several organized water improvement districts, and/or irrigation districts, and/or water control and improvement districts and/or irrigation plants or water plants not organized as defined districts, and providing for the operation, government, and control of such districts and of all such defined districts, irrigation and/or water plants included within such districts; providing for changing the name of such districts to include the name, 'water power control districts,' the extension of the boundaries thereof, the exclusion of land therefrom, the election and appointment of directors, the creation of debts, and the levy and collection of taxes and water charges, and fixing a lien on properties assessed, etc., and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act to amend Sections 11 and 12 of the Acts of 1927, Fortieth Legislature, page 26, Chapter 22, fixing the salary of the Judges of the County Courts at Law of Bexar County, Texas, at \$3,600, and fixing the maximum of the office of county judge at \$6,500, whether the duties are performed by one or more persons, and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act repealing Section 1 of the Acts of 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, in so far as it affects Blanco County, Texas (relating to fishing), and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act validating all cities and towns in Texas of 5,000 inhabitants, or less, heretofore incorporated and/or attempted in good faith to be incorporated under the general laws of Texas; and validating all governmental proceedings performed in good faith by the governing bodies

of such cities and towns since their incorporation or attempted incorporation, respectively; and declaring an emergency."

H. B. No. 490, A bill to be entitled "An Act providing for the disposition of fees of office and setting the maximum for precinct, county, and district officers in certain counties; providing that if any part of this Act is held unconstitutional it shall not affect the remaining part of the Act; repealing all laws in conflict herewith, and fixing the effective date of the bill; and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act to repeal Chapter 122, of the Special Laws of the Thirty-ninth Legislature, Regular Session, 1925, known as House Bill No. 658, relating to a special road law for DeWitt County, and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 534, A bill to be entitled "An Act making it unlawful to shoot at or kill any wild deer or wild turkey in that portion of Burnet County north of the Colorado River; providing a penalty; and declaring an emergency."

H. B. No. 535, A bill to be entitled "An Act making it unlawful for any person to catch or take or attempt to take or catch catfish of less length than nine (9) inches in Burnet County; providing a penalty; and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act providing for a closed season on quail in Archer County, and prescribing a penalty for violation thereof."

H. B. No. 572, A bill to be entitled "An Act to amend Chapter 137, of the Special Laws of Texas of the Regular Session of the Forty-second Legislature, known as the Bexar County Road and Bridge Law, by permitting the commissioners court to re-allot certain funds; providing an effective date of this Act; repealing all laws and parts of laws in conflict, and declaring an emergency."

H. B. No. 589, A bill to be entitled "An Act to make it unlawful to take or kill wild quail of any specie, for a period of five years, in Andrews County, Texas; fixing penalty; and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act amending Acts of 1930, Fifth Called Session, Forty-first Legislature of Texas, page 212, Chapter 66, otherwise identified as Article 2774-a, Revised Civil Statutes of 1925, by exempting certain cities and towns from the provisions thereof until the people residing therein, by referendum, avail themselves of the provisions thereof by vote of the majority of the qualified voters thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act amending Article 6981, of the Revised Civil Statutes of 1925, omitting the County of Matagorda therefrom." (Relative to cattle branding.)

H. B. No. 644, A bill to be entitled "An Act to amend Section 10 and Section 13, of Chapter 27 of the Acts of the Forty-second Legislature, Regular Session, pages 750-751; amending Section 10, of Chapter 27, with reference to the salary to be paid the deputy clerk of the County Court of Jefferson County at Law; and providing for the salary to be paid the official shorthand reporter of said court; amending Section 13, of said Chapter 27, with reference to salary to be paid the judge of said court; and providing that if any paragraph, clause, or sentence of this Act be held unconstitutional, the rest of the Act shall be held valid; and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act authorizing and requiring the board of trustees of the public free schools of the City of Galveston to set aside and appropriate the fund of fifty thousand dollars (\$50,000) represented by the Guaranty Building and Loan Company certificates heretofore donated to said Board of trustees by Mrs. L. Lovenbert, on the 13th day of October, 1931, for the purpose of providing, establishing, and maintaining a retirement fund, as well as any other fund or property hereafter specifically given or donated to said board of trustees therefor, the income from which

shall be used for the payment of pensions or retirement benefits to the present and future superintendents, principals, supervisors, teachers, and other regularly salaried employees of said schools, under such rules and regulations as may be prescribed therefor, provided, that no funds or other property derived by way of taxation shall ever be set aside or appropriated for such purpose, and providing that when said funds or property have once been set aside or appropriated for said purpose they can be used for no other purpose; etc.; and declaring an emergency."

H. B. No. 772, A bill to be entitled "An Act amending Chapter 333, of the Acts of the Regular Session of the Forty-second Legislature, validating all proceedings and acts of the commissioners courts of such counties in elections held for the purpose of authorizing bonds to erect an office building and/or jail; validating all bonds voted, authorized and/or issued, validating all tax levies made in behalf of such bond issuances, and declaring an emergency."

The House has refused to concur in Senate amendments to H. B. No. 376, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. Shannon, Patterson, Duvall, Renfro, Moore.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 341, A bill to be entitled "An Act to amend Article 2530, Chapter 1, Title 47, Revised Statutes, making further provision for the safekeeping of securities deposited with the State Depository Board, as collateral to secure deposits made by said Board, in State and/or reserve depositories, and authorizing said Board to rent safety deposit boxes in some bank or banks located in the City of Austin, and declaring an emergency."

S. B. No. 356, A bill to be entitled "An Act to amend Article 824 Code of Criminal Procedure of the State of Texas so as to provide that when penalty of death or life imprisonment has been assessed, and a defendant escapes pending appeal, the

Court of Criminal Appeals may reinstate the appeal under certain conditions; providing that this Act shall take immediate effect and govern cases now pending and not finally disposed of in said Court, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 246 referred to Committee on Criminal Jurisprudence.

H. B. No. 338 referred to Committee on Game and Fish.

H. B. No. 339 referred to Committee on Game and Fish.

H. B. No. 358 referred to Committee on Game and Fish.

H. B. No. 439 referred to Committee on Game and Fish.

H. B. No. 533 referred to Committee on Game and Fish.

H. B. No. 534 referred to Committee on Game and Fish.

H. B. No. 535 referred to Committee on Game and Fish.

H. B. No. 557 referred to Committee on Game and Fish.

H. B. No. 539 referred to Committee on Game and Fish.

H. B. No. 589 referred to Committee on Game and Fish.

H. B. No. 411 referred to Committee on Civil Jurisprudence.

H. B. No. 413 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 435 referred to Committee on Counties and County Boundaries.

H. B. No. 490 referred to Committee on Counties and County Boundaries.

H. B. No. 572 referred to Committee on Counties and County Boundaries.

H. B. No. 644 referred to Committee on Counties and County Boundaries.

H. B. No. 772 referred to Committee on Counties and County Boundaries.

H. B. No. 482 referred to Towns and City Corporations.

H. B. No. 524 referred to Committee on State Highways and Motor Traffic.

H. B. No. 632 referred to Committee on Educational Affairs.

H. B. No. 760 referred to Committee on Educational Affairs.

H. B. No. 633 referred to Committee on Stock and Stock Raising.

H. C. R. No. 36 referred to Committee on State Affairs.

H. C. R. No. 35 referred to Committee on Federal Relations.

H. C. R. No. 38, referred to Committee on State Affairs.

Rio Grande reservoir memorial referred to Committee on Federal Relations.

Senator Excused.

Senator Holbrook was excused for the afternoon on account of important business, on motion of Senator Blackert.

Senate Bill No. 248.

The question recurred upon the pending amendment to S. B. No. 248.

The amendment was lost by the following vote:

Yeas—8.

Collie.	Oneal.
Duggan.	Poage.
Hornsby.	Purl.
Moore.	Woodruff.

Nays—12.

Beck.	Patton.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	Sanderford.
Pace.	Stone.
Parr.	Woodul.

Absent.

Greer.	Redditt.
Martin.	Small.
Rawlings.	Woodward.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

(Pair Recorded.)

Senator Murphy (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

The bill was passed to engrossment by the following vote:

Yeas—13.

Beck.	Patton.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	Sanderford.
Oneal.	Stone.
Pace.	Woodul.
Parr.	

Nays—6.

Duggan.	Poage.
Hornsby.	Purl.
Moore.	Woodruff.

Absent.

Greer.	Small.
Rawlings.	Woodward.
Redditt.	

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

(Pairs Recorded.)

Senator Collie (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senator Murphy (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

The motion of Senator Parr to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—15.

Beck.	Patton.
Blackert.	Rawlings.
Collie.	Regan.
Cousins.	Russek.
Duggan.	Sanderford.
Fellbaum.	Stone.
Pace.	Woodul.
Parr.	

Nays—6.

Hornsby.	Poage.
Moore.	Purl.
Murphy.	Woodruff.

Absent.

Greer.	Redditt.
Hopkins.	Small.
Martin.	Woodward.
Oneal.	

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

(Four-fifths vote required.)

S. C. R. No. 27.

Senator Regan sent up the following resolution:

Whereas, For some fourteen years, the War Department of the United States maintained Fort D. A. Russell, a military outpost of considerable importance because of its

strategic location as a protection for many miles of territory bordering the Republic of Mexico, and

Whereas, The climate of the area in the Davis Mountains in which was located this historical fort is such as to provide all year round facilities for the training of soldiers in the service of our country, who perform a duty the value of which is unlimited, and

Whereas, With the beginning of this year, 1933, the said Fort D. A. Russell at Marfa, Texas, was abandoned and deserted by the War Department by transferring its personnel, which was composed of a Cavalry Unit, to Kentucky for the purpose of having it motorized, and

Whereas, There now remains on the site of this Fort sufficient equipment and buildings to re-establish to good effect the military post which for so long so ably protected from invasion by neighboring foreigners many miles of valuable property, and

Whereas, Since the first of January, 1933, five raids of such magnitude as to create much fear and unrest among residents of the border section adjacent to Mexico have been made upon the property herewith enumerated:

The Chinate Ranch, January 22nd,

The Jake Baldwin Ranch, February 8th,

The Jack Rawls Ranch, February 25th,

The J. L. Sublett Ranch, March 2nd, and

The L. C. Brite Ranch, March 3rd,

all of which is confined within the bounds of Presidio County, which in territorial extent embodies an area comparable in size to the combined States of Rhode Island and Delaware, and

Whereas, With the abandonment of Fort D. A. Russell, the protecting buffer for huge distances along the Mexican border has been removed and hundred of miles of territory are now without protection, and, as a direct result, this portion of Texas—the Southwestern boundary of the United States—is in a state of considerable demoralization because of the absence of the influence exerted by a unit of the Military sufficient in size to adequately protect the life and property of its citizens. Now therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Honorable George H. Dern, Secretary of War, Washington, D. C., be petitioned to restore and to re-establish this most important military post at Marfa, Texas. Be it further

Resolved, That a copy of these Resolutions be sent to the Honorable George H. Dern, Secretary of War, and the Honorable John Nance Garner, Vice-President of the United States.

REGAN,
BECK,
PARR.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

S. C. R. No. 25.

The Chair laid before the Senate: S. C. R. No. 25, Granting Raymond Canion permission to sue the State.

The resolution was read.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senate Bill No. 54.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 54, A bill to be entitled "An Act amending Chapter Eight, Title 42 of the Revised Statutes of 1925 by adding an article empowering the judge to change venue on his own motion and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 54 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Fellbaum.
Blackert.	Hornsby.
Collie.	Moore.
Cousins.	Murphy.
Duggan.	Oneal.

Pace.	Regan.
Parr.	Russek.
Patton.	Sanderford.
Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodul.
Redditt.	Woodward.

Absent.

Greer.	Martin.
Hopkins.	Small.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

Read third time and finally passed
by the following vote:

Yeas—24.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Greer.	Martin.
Hopkins.	Small.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

Senate Bill No. 172.

The Chair laid before the Senate
on its second reading the following
bill:

By Senators Woodward and Col-
lie:

S. B. No. 172, A bill to be entitled
"An Act amending Article 2039A,
Chapter 3, Title 42, of the Revised
Civil Statutes of the State of Texas,
adopted at the Regular Session of
the Forty-first Legislature, relating
to the service of process on the State
Highway Commissioner and desig-
nating said officer as the agent for
such purposes in suits against non-
residents for injuries inflicted within
this State by non-resident operators
of motor vehicles or motorcycles, so
as to extend, cover and include not

only the owners of said motor ve-
hicles, but likewise their agents,
servants or employees operating the
same; and providing for the service
of such process on the State High-
way Commissioner and his successor
in office, and providing for notice of
the service thereof to be forwarded
to the owner, his agent, servant or
employee; defining the duties of the
Chairman of the State Highway
Commission in such instances and
regulating the manner of taking
judgment in such instances, and de-
claring an emergency."

Read second time.

Senator Woodward sent up the fol-
lowing amendment:

Amend Senate Bill No. 172 by
adding to Section 2 the following:

"If and in the event notice of
service of the process upon the
Chairman of the State Highway
Commission cannot be effected by
registered mail or if the person to
whom it is addressed refuses to ac-
cept or receive the same, then the
plaintiff may cause the defendant to
be served with a notice of the fact
that the process has been served up-
on the Chairman of the State High-
way Commission, stating the date
of the service thereof, which notice
shall also be accompanied with a
certified copy of the process so served
upon said Chairman of the State
Highway Commission. Such notice
may be served by any disinterested
person competent to make oath of
the fact by delivering to the person
to be served in person a true copy
of such notice, together with a certi-
fied copy of the process served upon
the Chairman of the State Highway
Commission. The return of service
in such case shall be endorsed on or
attached to the original notice stat-
ing when it was served and upon
whom it was served and it shall be
signed and sworn to by the party
making such service before any per-
son authorized by the statutes of
this state to make affidavits under
the hand and official seal of such of-
ficer."

WOODWARD.

Read and adopted.

The bill was passed to engross-
ment.

On motion of Senator Woodward,
the constitutional rule requiring bills
to be read on three several days was
suspended and S. B. No. 172 was put

on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Greer. Hopkins.

Absent—Excused.

DeBerry. Neal.
Holbrook.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Greer. Hopkins.

Absent—Excused.

DeBerry. Neal.
Holbrook.

Senate Bill No. 52.

The Chair laid before the Senate on its second reading out of its regular order by unanimous consent, the following bill:

By Senator Woodward:

S. B. No. 52, A bill to be entitled "An Act providing a method of securing service of process over foreign corporations engaged in or desiring to do business in the State

of Texas, amending Article 1529 of the Revised Civil Statutes of the State of Texas relating to the rights of foreign corporations to secure permits to do business in Texas, and repealing laws in conflict herewith, containing a saving clause, and declaring an emergency."

Read second time.

The committee substitute was adopted.

Committee Amendments Nos. 1 and 2 were adopted.

Senator Woodward sent up the following amendment:

Amend committee substitute to Senate Bill No. 52 by striking out on page 4, section 6, line 49, the word "ten" and substitute in lieu thereof the word "twenty".

WOODWARD.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 52 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Greer. Hopkins.

Absent—Excused.

DeBerry. Neal.
Holbrook.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Fellbaum.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
Duggan.	Murphy.

Oneal.	Regan.
Pace.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodul.
Redditt.	Woodward.

Absent.

Greer. Hopkins.

Absent—Excused.

DeBerry. Neal.
Holbrook.**S. B. No. 51 and S. B. No. 173 Laid on Table Subject to Call.**

On motion of Senator Woodward, S. B. Nos. 51 and 173 were laid on the table subject to call.

House Bill No. 131.

Senator Fellbaum called up from the table H. B. No. 131.

Senator Fellbaum sent up the following amendments:

Amend H. B. No. 131, by adding immediately after the word "Texas" on the 18th line of the caption the following: "abolishing the office of County Attorney of Bexar County;"

FELLBAUM.

Read and adopted.

Amend H. B. No. 131, page 6, Section 11, third line immediately following the word "Texas," by adding the following:

"and the office of County Attorney of Bexar County"

FELLBAUM.

Read and adopted.

Amend H. B. No. 131 in line 6 of the caption, immediately following the word "Texas," by adding the following:

"and the office of the District Judge of the 94th Judicial District of Texas"

FELLBAUM.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 131 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Greer. Hopkins.

Absent—Excused.

DeBerry. Neal.
Holbrook.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Greer. Hopkins.

Absent—Excused.

DeBerry. Neal.
Holbrook.**House Bill No. 247.**

Senator Purl received unanimous consent to suspend the regular order of business and take up the following bill:

By Mr. Metcalfe, Mr. Tarwater, Mrs. Hughes, Mr. Engelhard, Mr. Barron, and Mr. Alexander:

H. B. No. 247, A bill to be entitled "An Act defining certain words, terms, and phrases for the purposes of this Act, providing and imposing an occupation tax on the first sale,

distribution or use of motor fuel in this State; providing certain exceptions, exemptions, and deductions from the tax hereby levied; providing for refunds of taxes paid in certain instances and under certain conditions, requiring distributors of motor fuel to obtain a permit and to file with the Comptroller of Public Accounts a surety bond or in lieu of bond to deposit in a suspense account in the State Treasury an amount of money equal to the amount of bonds required; providing that any manufacturer or refiner may transfer the tax imposed upon the sale of casinghead or natural gasoline to any distributor holding a permit as required by this Act upon certain conditions; regulating the issuance of such permits and providing for and regulating the suspension and revocation of permits issued; providing for and requiring distributors of motor fuel to file new or additional bonds in certain instances; etc., and declaring an emergency."

Senator Purl received unanimous consent for the rule requiring printed copies of the bill to lie on the desks one day to be suspended.

Read second time.

The committee amendment was adopted.

Senator Oneal sent up the following amendment:

Amend H. B. No. 247 by adding at the end of Section 6(a) the following: Provided that the Comptroller shall have the authority at his discretion to permit any distributor to make reports and payments at shorter intervals than one month, and in such cases to permit bonds based on the shorter intervals.

ONEAL.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 247 by striking out the figures "one per cent (1%) where this appears conjointly in line 4, page 4, and insert in lieu thereof the following: "One half of one per cent ($\frac{1}{2}$ of 1%.)"

WOODRUFF.

The amendment was read and lost by the following vote:

Yeas—4.

Poage.
Rawlings.

Regan.
Woodruff.

Nays—20.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Purl.
Duggan.	Redditt.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Woodul.
Murphy.	Woodward.

Absent.

Fellbaum.	Oneal.
Martin.	Stone.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

Senator Woodward sent up the following amendment:

Amend H. B. No. 247, Section 13, subsection c, line 9, page 10, by adding after the word "appropriation" the following "and no refund shall ever be made where it appears from invoices or from the affidavits or other evidence submitted that the sale or purchase was made more than six months prior to the date of the filing of the application for refund in the office of the Comptroller."

WOODWARD.

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 247 by striking out Section 16, page 11, and amend caption to correspond.

RAWLINGS.

Read and lost.

The bill passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 247 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

Rawlings.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

Conference Committee Announced.

The Chair announced the following Free Conference Committee on the part of the Senate on H. B. No. 376:

RAWLINGS,
COLLIE,
HORNSBY,
PACE,
REGAN.

Senate Bill No. 38

The Chair laid before the Senate on its second reading the following bill:

By Senator Moore:

S. B. No. 38, A bill to be entitled "An Act amending Article 2956, by adding thereto another section, Article 2956-A providing that persons who are feeble, ill and confined in bed or confined to their places of abode by reason of illness, may vote as absentee may vote under Article 2956; providing that

persons who are ill, aged or decrepit, and who are unable to walk to the polls, may be driven in any vehicle, wheel chair or other conveyance to such voting place, and any election officer shall authorize such person to vote, and the means and manner thereof; providing exceptions, and for the general enforcement of the provisions hereof; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 38 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

DeBerry.	Neal.
Holbrook.	

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 9, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has concurred in Senate amendments
to H. B. No. 131, by a vote of 111
ayes and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 143.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Parr:

S. B. No. 143, A bill to be entitled
"An Act to amend Article 2938 of
the Revised Civil Statutes of Texas,
1925, relating to the appointment of
election judges and clerks in elec-
tion precincts where there are one
hundred citizens or more who have
paid their poll tax or received their
certificates of exemption, providing
that the presiding judge appointed
shall in all cases belong to the party
that at the last General Election cast
the largest vote for Governor
throughout the State."

Read second time and passed to
engrossment.

Senate Bill No. 127.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Murphy:

S. B. No. 127, A bill to be entitled
"An Act amending Article 3773,
1925 Civil Statutes, so as to provide
that a judgment in courts of record
will not become dormant where exe-
cution has issued on such judgment
within ten years after its rendition,
and declaring an emergency."

The bill was read second time and
passed to engrossment.

On motion of Senator Murphy, the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 127 was put
on its third reading and final passage
by the following vote:

Yeas—28.

Beck. Coll e.
Blackert. Cousins.

Duggan.
Fellbaum.
Greer.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Oneal.
Pace.
Parr.
Patton.

Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

DeBerry.
Holbrook.

Neal.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.
Blackert.
Collie.
Cousins.
Duggan.
Fellbaum.
Greer.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Oneal.
Pace.

Parr.
Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

DeBerry.
Holbrook.

Neal.

Senate Bill No. 91.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Woodul:

S. B. No. 91, A bill to be entitled
"An Act to amend Article 7084,
Chapter 3, Title 122 of the Revised
Civil Statutes of Texas, 1925, relat-
so that hereafter said article shall
so that hereafter said Article shall
not apply to any bonds and notes of
any corporation, which are secured
by a lien upon real estate in the
State of Texas."

Read second time.

Senator Woodul received unani-
mous consent to amend the bill by
adding the emergency clause.

On motion of Senator Woodul, the
bill was laid on the table subject to
call.

Senate Bill No. 33.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 33, A bill to be entitled "An Act amending the provisions of Article 2968, Revised Civil Statutes of Texas, 1925, as amended by H. B. No. 128, Chapter No. 26, of the Fifth Called Session of the Forty-first Legislature providing for the method and time of securing certificates of exemption by persons exempt under the law from payment of poll taxes, etc."

Read second time.

On motion of Senator Parr the bill was laid on the table subject to call.

Senate Bill No. 314.

The Chair laid before the Senate on its second reading out of its regular order by unanimous consent the following bill:

By Senator Oneal:

S. B. No. 314, A bill to be entitled "An Act to prohibit the hunting, taking, shooting or killing of any game bird or any game animal, as defined in the laws of the State of Texas, in that part of Wichita County included within the following territory, to-wit: etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 314 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

DeBerry. Neal.
Holbrook.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

DeBerry. Neal.
Holbrook.

Adjournment.

On motion of Senator Russek, the Senate, at 4:59 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Enrolled Bills.**

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 341 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 256 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 201

carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, March 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 70 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, March 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 128 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, March 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 356 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 8, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 138, Relative to appropriation for Pecos River investigation and suit.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, March 8, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 318, Relative to appropriation to print farm census data.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, March 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. C. R. No. 39, Relative to a resolution to welcome the Pan-American Medical Association to Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, March 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 363, A bill to be entitled "An Act authorizing the board of trustees of the public free schools of the State of Texas to make appropriations of funds or/and other property, heretofore donated or which may hereafter be donated to them and not heretofore appropriated for any specific purpose, and when the specific purpose of the donation has not been stated or provided for by the donor, for the purpose of creating, maintaining and establishing a retirement fund for the present and future superintendents, principals, supervisors, teachers and other regularly salaried employees of said school, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GREER, Vice-Chairman.

Committee Room,
Austin, Texas, March 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 428, A bill to be entitled "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 1800 and not more than 1900 according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation or from other sources, for the purpose of installing canning factories, and manual training

departments; providing for charging of fees for the use of such equipment to make same self-liquidating; and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GREER, Vice-Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 358, A bill to be entitled "An Act amending Section 13, Chapter 88, Acts of 1929, General Laws, Forty-first Legislature of Texas, Second Called Session, page 172, providing that the Highway Department shall issue or cause to be issued license number plates for each motorcycle, road-tractor, trailer, semi-trailer and for any other vehicle registered under said Act, and describing how and where and when the license number plates shall be attached to said described vehicle; and providing that said license number plates shall be fastened by locking devices furnished by the State and that no other fastening or locking device shall be used; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

RAWLINGS, Chairman.

Committee Amendment.

Amend S. B. No. 358, line 6, Section 1, by inserting after the words "one license and number plate" the following: "and two approved locking devices."

And in line 8, after the word "plates," the following: "four (4) approved locking devices."

And in line 14, after the word "with," the following words: "the aforementioned."

And in line 16, after the word

"used," the following: "and the Department shall furnish all such license plates and locking devices without any expense in addition to the regular registration fees provided by statute for the registration of motor vehicles."

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 297, A bill to be entitled "An Act exempting owners of farm trucks, farm tractors, farm trailers, farm semi-trailers, and implements of husbandry from the requirement that every owner of a motor vehicle, trailer or semi-trailer, used or to be used upon the public highways of this State shall register the same and from the requirement that said owners obtain a chauffeur's license; defining certain terms as used herein and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 27, Relative to the same being a resolution on the subject of compensation for damages done by the Highway Department.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 120, A bill to be entitled "An Act to amend Article 5166, Chapter 5, Title 83 of the Revised Civil Statutes of Texas, 1925, relating to the hours of labor."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be printed.

PURL, Chairman.

Committee Room.

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 124, A bill to be entitled "An Act to authorize cities and towns to exercise the rights and enjoy privileges and immunities set forth in the Workmen's Compensation Law with exceptions herein set forth, fixing terms and conditions for their operation under such law, providing cities and towns electing to come within the provisions of the Workmen's Compensation Law may do so by creating a fund by taxation to pay claims arising under such insurance corporations for protection, and providing further that said cities and towns may cease to operate under said law by giving notice to the Industrial Accident Board, defining terms, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PURL, Chairman.

Committee Room.

Austin, Texas, March 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 54, A bill to be entitled "An Act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works; providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract; providing in case of dispute as to what are prevailing rates same shall be referred to the Commissioner of Labor for decision; providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials; providing for a forfeiture for each calendar day, or portion

thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract; providing if any part of this Act shall be held unconstitutional it shall not affect the validity of the remainder; providing penalties for violation of the provisions thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PURL, Chairman.

FORTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

March 10, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Cousins. Neal.
Holbrook.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the constitutional rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills: